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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,220	02/11/2004	Peter Althaus	2360-0403P	9996

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EXAMINER
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CARIASO, ALAN B

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/775,220

Applicant(s)

ALTHAUS, PETER

Examiner

Alan Cariaso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed February 11, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the documents listed under "Other Documents" do not match submitted copies of patent abstract documents (i.e. no matching dates nor document numbers between list and copies). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Claim Objections***

2. Claim 12 is objected to because of the following informalities: Claim 12, line 1, recites "one of Claims 10", which appears to be incorrect, given there are no plural claims other than claim 10. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1, line 5, "the mains" have no antecedent basis and is indefinite as being incomplete in description.
6. Claim 10, line 6, "the aperture angle" has no antecedent basis.
7. Claims 2-9 and 11-13 are indefinite for depending on indefinite claims.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-4, 7, 8, 10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by JONES (US 6,107,941).
10. JONES discloses an apparatus (20) having a light (56) for illumination of a sign (44 figs.1-4), with the light (56) being part of a unit (22) which can be attached permanently to the existing sign (44), and with the apparatus (20) having a power supply (50, fig.8) which is independent of the mains; with the power supply (50) being

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contained in the unit (22); with solar cells (52) and rechargeable batteries (50) being provided in order to absorb and store the necessary electrical energy (col.5, lines 30-32); with the solar cells (52) being arranged adjustably (col.5, lines 34-36); with the unit (22) being roughly L-shaped (22 with 88 in fig.10); furthermore having light sensors (60) for controlling the illumination of the sign (col.5, lines 50-54); with the apparatus (20) also having an illumination (light 70) that includes illumination of a surrounding area (lighted path of exit of vehicle, see col.10, lines 45-49) which inherently includes a path for vehicle or person, in addition to the illumination (56) of the sign, with at least a capability (72) of adjusting direction of light (col.6, lines 15-17); furthermore having an adjustable time circuit (58) for switching the surrounding area illumination (70) on and off (col.10, lines 33-45).

11. Claims 1, 2, 5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by TSAO et al (US 6,031,468).

12. TSAO discloses an apparatus (10) having a light (26) for illumination of a sign (12), with the light (26) being part of a unit (10, fig.2C) which can be attached permanently to the existing sign (12), and with the apparatus (10) having a power supply (25) which is independent of the mains; with the power supply (25) being contained in the unit (18,fig.2C, col.4, lines 8-10); with at least one LED light (26, col.4, lines 1-2) which is fitted to the sign (12) being provided in order to illuminate the sign; with the unit (10, 14) being L-shaped (figs.2A-2C) (col.2, lines 56-61); furthermore having light sensors (84) for controlling the illumination of the sign; furthermore having

at least an adjustable time circuit (82) (col.4 line 53 to col.5 line 3) for switching the illumination of the sign on and off.

13. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by CINOTTA et al (US 3,786,245).

14. CINCOTTA discloses an apparatus (10) having a light (68, 74) for illumination of a sign (18), with the light (68, 74) being part of a unit (10, fig.3) which can be attached permanently to the existing sign (18), and with the apparatus (10) having a power supply (80) which is independent of the mains; with the power supply (80) being contained in the unit (fig.3); also having attachment elements (20,22, col.3, lines 23-25) for attachment to a frame (12) which surrounds the sign to be illuminated (18); with the unit (10) being L-shaped (16 with 22, fig.3).

***Allowable Subject Matter***

15. Claims 11 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record suggests LED spotlights providing surrounding area illumination and light sensors controlling the surrounding area illumination in combination with a light for illumination of a sign and a power supply independent of the mains.

***Conclusion***

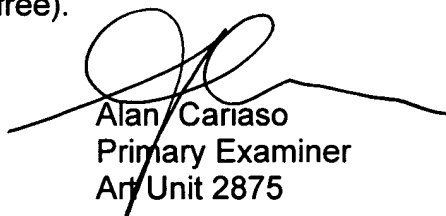
17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. WILTON (US 5,911,524) shows a light house unit (10) that includes a light (18) that illuminates the front sign (13,14) and another light (16) that directs light through transparent walls (11,12) to illuminate the area around a building's entrance (col.2, lines 57-67) and the lights (16,18) being selectively activated by motion detector (15) and photo cell switch (17). WATSON (US 6,604,840) shows a unitary lighting apparatus or frame unit (10,12) fastened to a sign (8), that unit including plural LEDs (50,52), an internal battery (44) rechargeable by an external solar panel (60) on the frame (12) and operation regulated by a photoelectric light sensor (70). PRIVAS et al (US 6,390,648) shows lighting unit attachable to a sign or picture display that includes EL type light sources (fig.17), batteries, and motion or proximity sensor that activates the light sources upon sensing approach person. LOGAN et al (US 5,797,673) show a sign illumination that includes emergency lights (26) that illuminate the sign and lampheads (13) that illuminate the surrounding area that receive power from a battery (162) independent of the main power supply upon failure of main power supply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso  
Primary Examiner  
Art Unit 2875

September 27, 2005

AC